COURT FEE 10 Rs. भारत INDIA दस रुपये TEN RUPEES CANCELLED

(3)

CH5h

Single Bench

In the High Court of judicature of Chattisgarh at Bilaspur.

CIVIL REVISION No. 328 /2003

Petitioners : 1 South Eastern Coalfields Ltd., through Chief General Manager, Gevra Area, P.O. Gevra Project, District : Korba, Chattisgarh.

2 Atma Ram Patel son of Hanuman Patel, MD 681, Dipika Colony, South Eastern Coalfields Ltd., Tahsil Katghora, District : Katghora, Chattisgarh.

VS

Respondents : 1 Sahodri Bai widow of Ram Prasad agged about 57 yeras.

2 Arun Kumar son of late Ram Prasad Yadav aged about 37 years.

Both the residents of village Sarkho, Tahsil Janjgir, District Janjgir-Champa, Chattisgarh.

P. R. No. 2411/03
Presented by Shri Rakesh Kumar
dated 26.10.03

REVISION PETITION under section 115 of THE CODE OF CIVIL PROCEDURE.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

आदेश पत्रक

मामला क्रमांक CRNo.328/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6/1/2004

Shri J.A. Lohani, counsel for the petitioners.

Learned counsel submits that in the trial court the name of respondent no.3 was struck off, as such her name has not been mentioned in the cause title.

Heard.

The revision is against the order dated 30/7/2003 passed by the Fifth Additional Motor Accident Claims Tribunal, Bilaspur in C.T. No.4/2002, whereby the application filed by the claimants/respondents for releasing the amount of interim compensation of Rs.50,000/- was allowed.

The facts of the case are that on 19/6/1995 one Ramprasad while coming from village Sarokha to village Junadih on his bicycle at about 4.00 p.m. met with an accident and died on 27/8/1995, as a result of the injuries sustained by him. The respondents/claimants filed a claim petition before the Claims Tribunal alongwith an application for interim compensation. The said application was allowed vide order dated 7/5/1999 and interim compensation of Rs.50,000/- was passed. Against the said order, the present petitioners have filed the appeal before the High Court of

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Madhya Pradesh, wherein stay was granted. However, the said appeal was dismissed vide order dated 14/2/2000.

While passing the impugned order, the court below considered the material on record and found that an interim award of Rs.50,000/- towards no fault liability was passed and it came to the conclusion that the award amount is required to be released. This Court has also considered the entire material on record and found that there is no illegality or infirmity in the impugned order. It is however directed that in case the court below while deciding the matter finally in accordance with law came to the conclusion that the applicants are not liable and it is the owner who is liable to pay the compensation, then proper orders will be passed, so that the amount so disbursed is indemnified and the applicants' interest is duly protected.

With the aforesaid observations, this revision stands disposed of.

Consequently, M.C.P. No.1719/03 also stands disposed of.

Sd/-
Fakhruddin
Judge

Anjani/H